

REMARKS

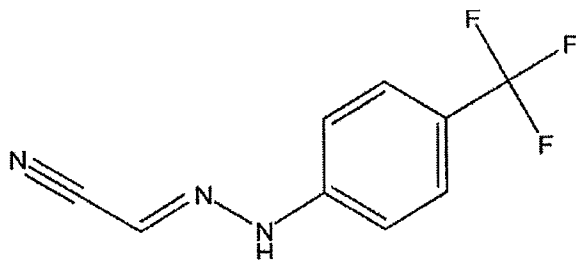
Claim 1 and withdrawn claim 28 are amended and new claims 32-35 are added herein. Support is found, for example, in the original claims the examples of the specification. Claims 7, 8, 15, 18 and 19 are canceled herein. No new matter is presented.

Upon entry of the Amendment, claims 1, 6, 10, 14, 24, 27-35 will be all of the claims pending in the application. Of these, claim 28 is withdrawn from consideration. Rejoinder of claim 28 is respectfully requested.

I. Election/Restrictions

The Examiner has acknowledge Applicant's election without traverse of Group I and the further election of the compound of Example 3 (4-pyridinecarboxyaldehyde 4-(oxazole-5-yl)phenylhydrazone).

The Examiner further indicates that the elected species compound has been found allowable and, in accordance with the provisions of MPEP § 803.02, the search has been expanded to the following compound:



According to the Examiner, claims 1, 6, 10, 14, 24, 27 and 29-31 have been examined to the extent that they are readable on the elected embodiment, the elected species and the species identified above and claims 7-8, 15, 18, 19 and 28 have been withdrawn from further consideration as being drawn to non-elected subject matter.

II. Response to Claim Objection

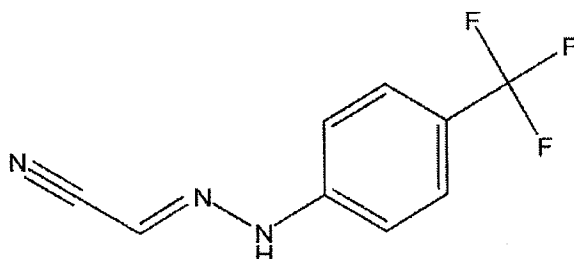
Claims 1, 6, 10, 14, 24, 27 and 29-31 are objected to as containing non-elected subject matter. The Examiner states that claims drawn solely to the elected embodiment would overcome this objection.

Applicants respectfully submit that the present claims as amended are not anticipated nor rendered obvious by the art of record nor is the elected species anticipated or rendered obvious by the art of record as discussed below. Thus, Applicants submit that the present claims should be examined in accordance with the provisions of MPEP § 803.02.

Accordingly, Applicants respectfully request withdrawal of the objection to the claims.

III. Response to Rejection under 35 U.S.C. §102

Claims 1, 6 and 14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Registry No. 4844-03-5, which discloses the following compound:



[[4-(trifluoromethyl)phenyl]hydrazono]-acetonitrile, which the Examiner states corresponds to Applicants' instant invention wherein R^1 is hydrogen; R^2 is cyano; R^3 is hydrogen; Ar is phenylene; X is a single bond and G is halogenoalkyl, specifically trifluoromethyl.

Applicants traverse the rejection.

The above-identified compound is not within the scope of claim 6 since G is not defined as a halogenalkyl in claim 6. Therefore, claim 6 is not anticipated by the reference.

Further, without conceding the merits of the rejection, claim 1 is amended herein by deleting cyano from the definition of R². Thus, the above-identified compound is not within the scope of amended claim 1 and therefore the claimed invention is not anticipated by the cited reference. Further, there is no apparent reason to modify the disclosure of the reference with a reasonable expectation of success in achieving the claimed invention.

Claims 6 and 14 depend from claim 1 and are patentable over the cited art for at least the same reasons.

Accordingly, Applicants respectfully request withdrawal of the anticipation rejection under 35 U.S.C. § 102.

Applicants further note that claims 10, 24, 27, 29-31 and new claims 32-35 depend directly, or indirectly from claim 1, read on the elected invention and are patentable for at least the same reasons as claim 1.

Claim 28 is amended to be commensurate in scope with claim 1 and rejoinder of claim 28 is respectfully requested.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/551,414

Attorney Docket No.: Q90666

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

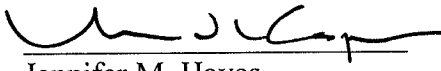
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